

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**JOSHUA C. LOWRY, ANTHONY
LAW, RAYMAR MCKENZIE,
JAMES SMITH and MICHAEL
CHAMPION,**

Plaintiffs,

v.

**DENA BROWN TRINITY GROUP
SERVICE STAFF, BENJAMIN
O'LEARY TRINITY GROUP SERVICE
STAFF, CORITHIAN FOODS FOOD
DISTRIBUTOR FOR TRINITY GROUP
SERVICE, JENNIFER PASSERELLI
DEPUTY WARDEN, DAVID WINTERS
CAPTAIN, SCOTT (UNKNOWN)
TRINITY GROUP SERVICE STAFF,
JANICE (UNKNOWN) TRINITY
GROUP SERVICE STAFF,**

Defendants.

2:22cv991

Electronic Filing

MEMORANDUM ORDER

The Complaint in the above captioned case was filed on July 6, 2022, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 86) filed on January 1, 2024, recommended that the claims against Defendant Benjamin O'Leary be dismissed for failure to prosecute. The parties were informed that objections to the Report and Recommendation were due by January 16, 2024. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 20th day of February, 2024,

IT IS HEREBY ORDERED that all claims against Defendant Benjamin O'Leary be, and the same hereby are, dismissed for failure to prosecute. The [86] Report and Recommendation of Magistrate Judge Kelly dated January 2, 2024, is adopted as the opinion of the Court; and

IT FURTHER IS ORDERED that the Clerk of Court enter final judgment in this case because there are not any remaining claims against any named defendant.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Joshua C. Lowry
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(Via CM/ECF Electronic Mail)